

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

BRANDON CHRISHON POLK,                     )  
   )  
                           Plaintiff,             )  
   )  
                   v.                             )             1:22CV174  
   )  
A. ALDRIDGE, III, et al.,             )  
   )  
                           Defendants.             )

**ORDER**

The Order, Memorandum Opinion and Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on August 10, 2023, was served on the parties in this action. (Doc. 36.) Objections were filed within the time limits prescribed by section 636. (Doc. 39.) Defendants filed a response to the objections. (Doc. 41.)

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objections were made and has made a de novo determination in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Add Party (Doc. 21) is DENIED.

IT IS FURTHER ORDERED that the Motion for Judgment on the Pleadings by Defendants A. Aldridge, III, D.B. Evans, and O.C. Harrington (Doc. 23) is DENIED AS MOOT.

IT IS FURTHER ORDERED that the Motion for Summary Judgment by Defendants A. Aldridge, III, D.B. Evans, and O.C. Harrington (Doc. 31) is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's Request for Production of Documents, Electronically Stored Information, and Tangible Things (Doc. 38) is DENIED. Plaintiff's motion, if construed as a motion for production of documents and things, is untimely, as it was not made so that responses would be due within the deadline for the close of discovery, as required by this court's local rules. L.R. 26.1(c). If construed as a motion to compel responses, there is no indication of prior timely requests, and in any event such a motion would be moot in light of the court's grant of summary judgment to Defendants.

/s/ Thomas D. Schroeder  
United States District Judge

September 21, 2022